

# Senate File 312 - Introduced

SENATE FILE \_\_\_\_\_  
BY BOLKCOM

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to radon information disclosures in residential  
2 real property transactions and making a penalty applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2247XS 83  
5 tm/nh/14

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1 1 Section 1. NEW SECTION. 136B.6 RADON AWARENESS == REAL  
1 2 ESTATE TRANSACTIONS.  
1 3 1. Except as provided in subsection 4, prior to the  
1 4 purchase of residential real property, the seller of property  
1 5 shall provide to the buyer the radon hazards information  
1 6 pamphlet described in subsection 3 and the radon hazards  
1 7 information disclosure form described in subsection 2. If any  
1 8 of the disclosures required by this section occur after the  
1 9 buyer has made an offer to purchase the residential real  
1 10 property, the seller shall complete the required disclosure  
1 11 activities prior to accepting the buyer's offer and allow the  
1 12 buyer an opportunity to review the information and amend the  
1 13 offer. Nothing in this section shall be construed to imply an  
1 14 obligation on the part of the seller to conduct any radon  
1 15 testing or mitigation activities.  
1 16 2. a. The department shall produce a standard radon  
1 17 hazards information disclosure form to be used in all  
1 18 applicable residential real estate transactions under this  
1 19 section.  
1 20 b. The standard radon hazards information disclosure form  
1 21 shall be as follows:  
1 22 RADON HAZARDS INFORMATION DISCLOSURE FORM  
1 23 (For Residential Real Property Sales or Purchases)  
1 24 Radon Warning Statement  
1 25 Every buyer of any interest in residential real property is  
1 26 notified that the property may present exposure to dangerous  
1 27 levels of indoor radon gas that may place the occupants at  
1 28 risk of developing radon-induced lung cancer. Radon, a  
1 29 Class=A human carcinogen, is the leading cause of lung cancer  
1 30 in nonsmokers and the second leading cause overall. The  
1 31 seller of any interest in residential real property is  
1 32 required to provide the buyer with any information on radon  
1 33 test results of the dwelling showing elevated levels of radon  
1 34 in the seller's possession.  
1 35 The Iowa Department of Public Health strongly recommends  
2 1 all homebuyers have an indoor radon test performed prior to  
2 2 purchase or taking occupancy, and the implementation of  
2 3 mitigation methods if elevated levels of radon are found.  
2 4 Elevated radon concentrations can easily be reduced by a  
2 5 qualified, licensed radon mitigator.  
2 6 Seller's Disclosure  
2 7 (initial each of the following which applies)  
2 8 \_\_\_\_\_ Elevated radon concentrations (above the federal  
2 9 Environmental Protection Agency recommended action level) are  
2 10 known to be present within the dwelling (explain).  
2 11 \_\_\_\_\_ Seller has provided the purchaser with all  
2 12 available records and reports pertaining to elevated radon  
2 13 concentrations within the dwelling.  
2 14 \_\_\_\_\_ Seller has no knowledge of elevated radon  
2 15 concentrations in the dwelling.  
2 16 \_\_\_\_\_ Seller has no records or reports pertaining to  
2 17 elevated radon concentrations within the dwelling.  
2 18 \_\_\_\_\_ Purchaser's Acknowledgment

2 19 (initial each of the following which applies)  
2 20 \_\_\_\_\_ Purchaser has received copies of all information  
2 21 listed in this disclosure form.  
2 22 \_\_\_\_\_ Purchaser has received the Iowa Department of  
2 23 Public Health's radon hazards information pamphlet.  
2 24 Agent's Acknowledgment  
2 25 (initial, if applicable)  
2 26 \_\_\_\_\_ Agent has informed the seller of the seller's  
2 27 obligations under Iowa law.

2 28 Certification of Accuracy  
2 29 The following parties have reviewed the information in this  
2 30 disclosure form and each party certifies, to the best of his  
2 31 or her knowledge, that the information he or she provided is  
2 32 true and accurate.

2 33 Seller/Date \_\_\_\_\_  
2 34 Seller/Date \_\_\_\_\_  
2 35 Purchaser/Date \_\_\_\_\_  
3 1 Purchaser/Date \_\_\_\_\_  
3 2 Agent/Date \_\_\_\_\_  
3 3 Agent/Date \_\_\_\_\_

3 4 3. The department shall publish a radon hazards  
3 5 information pamphlet designed to educate home buyers regarding  
3 6 the dangers and hazards of indoor radon gas in residential  
3 7 property, radon testing, and radon mitigation methods.

3 8 4. This section shall not apply to any of the following  
3 9 residential real property transactions:

3 10 a. Transfers pursuant to a court order.  
3 11 b. Transfers from a mortgagor to a mortgagee by deed in  
3 12 lieu of foreclosure or consent judgment, transfers by a  
3 13 judicial deed issued pursuant to a foreclosure sale, transfers  
3 14 by a collateral assignment of a beneficial interest of a land  
3 15 trust, or transfers by a mortgagee or a successor in interest  
3 16 to the mortgagee's secured position or a beneficiary under a  
3 17 deed in trust who has acquired the real property by deed in  
3 18 lieu of foreclosure, consent judgment, or judicial deed issued  
3 19 pursuant to a foreclosure sale.

3 20 c. Transfers by a fiduciary in the course of the  
3 21 administration of a decedent's estate, guardianship,  
3 22 conservatorship, or trust.

3 23 d. Transfers from one co-owner to another.

3 24 e. Transfers pursuant to testate or intestate succession.

3 25 f. Transfers made to a spouse, or to a person in the  
3 26 lineal line of consanguinity of one or more of the sellers.

3 27 g. Transfers from an entity that has taken title to  
3 28 residential real property from a seller for the purpose of  
3 29 assisting in the relocation of the seller, so long as the  
3 30 entity makes available to all prospective buyers a copy of the  
3 31 disclosure form furnished to the entity by the seller.

3 32 h. Transfers to or from any governmental entity.  
3 33 Sec. 2. Section 558A.2, subsection 1, Code 2009, is  
3 34 amended to read as follows:

3 35 1. A person interested in transferring real property, or a  
4 1 broker or salesperson acting on behalf of the person, shall  
4 2 deliver a written disclosure statement to a person interested  
4 3 in being transferred the real property. The disclosure  
4 4 statement must be delivered prior to either the transferor  
4 5 making a written offer for the transfer of the real property,  
4 6 or accepting a written offer for the transfer of the real  
4 7 property. At the same time the disclosure statement is  
4 8 delivered, a radon hazards information pamphlet and a radon  
4 9 hazards information disclosure shall also be delivered to a  
4 10 person interested in being transferred the real property  
4 11 pursuant to section 136B.6.

4 12 EXPLANATION

4 13 This bill relates to radon information disclosures in  
4 14 residential real property transactions.

4 15 The bill requires that prior to the purchase of residential  
4 16 real property a seller of property must provide to the buyer  
4 17 the radon hazards information pamphlet published by the  
4 18 department of public health and a radon hazards information  
4 19 disclosure form. The bill provides that if any of the  
4 20 required disclosures occur after the buyer has made an offer  
4 21 to purchase the residential real property, the seller shall  
4 22 complete the required disclosure activities prior to accepting  
4 23 the buyer's offer and allow the buyer an opportunity to review  
4 24 the information and possibly amend the offer. The bill  
4 25 provides that nothing in the bill shall be construed to imply  
4 26 an obligation on the part of the seller to conduct any radon  
4 27 testing or mitigation activities. The bill provides a list of  
4 28 certain residential real property transactions for which the  
4 29 requirements of the bill would not apply.

4 30 The bill requires the department of public health to  
4 31 produce a standard radon hazards information disclosure form  
4 32 to be used in all applicable residential real estate  
4 33 transactions. The bill provides the format for the disclosure  
4 34 form which includes a radon warning statement, seller's  
4 35 disclosures, purchaser's acknowledgments, agent's  
5 1 acknowledgment, and certification of accuracy.  
5 2 The bill requires the department to publish a radon hazards  
5 3 information pamphlet designed to educate home buyers regarding  
5 4 the dangers and hazards of indoor radon gas in residential  
5 5 property, radon testing, and radon mitigation methods.  
5 6 Code chapter 136B contains a general criminal penalty  
5 7 provision which would make a person who violates any of the  
5 8 provisions of this bill guilty of a serious misdemeanor. A  
5 9 serious misdemeanor is punishable by confinement for no more  
5 10 than one year and a fine of at least \$315 but not more than  
5 11 \$1,875.  
5 12 LSB 2247XS 83  
5 13 tm/nh/14.1